

Message Text

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12

ACTION L-03

INFO OCT-01 EUR-25 EA-11 IO-13 ADP-00 CPR-02 SY-10 USSS-00

FBIE-00 AF-10 ARA-16 NEA-10 RSC-01 CIAE-00 INR-10

NSAE-00 RSR-01 /113 W

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R 132244Z JUL 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 8755

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BRUSSELS

AMEMBASSY BONN

USMISSION GENEVA

AMEMBASSY OTTAWA

AMEMBASSY STOCKHOLM

AMEMBASSY COPENHAGEN

AMEMBASSY VIENNA

AMEMBASSY CANBERRA

AMEMBASSY THE HAGUE

C O N F I D E N T I A L USUN 2570

GENEVA FOR KEARNEY

E.O. 11652: GDS

TAGS: PFOR, PINS, UN, NL, AS, AU, UK, BE, GW, FR, SW

SUBJ: PROTECTION OF DIPLOMATS

REF: USUN 2539

SUMMARY: BELGIAN GROUP DESCRIBED REFTTEL CONCLUDED FIRST
READING ILC DRAFT, REMAINING ARTICLES LESS CONTROVERSIAL
BUT DISCUSSION DID NOT CHANGE CONCLUSION THAT WORK IN
CAPITALS WILL BE REQUIRED IF CHANCES PROMPT ADOPTION
TO BE MAXIMIZED. GROUP AGREED MEET AGAIN IN AUGUST FOR
MORE DETAILED CONSIDERATION.

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1. ARTICLE 7

NUMBER OF SPEAKERS EXPRESSED GENERAL PREFERENCE FOR FORMULATION CONTAINED PARA 8 HAGUE CONVENTION. BOIVINEAU (FRANCE), VON KYAW (FRG), HAMBURGER (AUSTRIA), FREELAND (UK), WYNDHAM (AUSTRALIA), SUNDBERG (SWEDEN) EXPRESSED SPECIFIC PREFERENCE FOR DELETING SUBPARA 4 ILC TEXT. ALL AGREED "PROCEDURAL" SUBPARAS 2 AND 3 ILC DRAFT SHOULD BE DELETED. MISOFF NOTED SUBPARA 4 ARTICLE 8 OF HAGUE TEXT NECESSARY ONLY IF ILC UNIVERSAL JURISDICTION POSITION CUT BACK.

2. ARTICLE 8

RAISED NO PROBLEMS.

3. ARTICLE 9

HAMBURGER, THOMSEN (DENMARK), VON KYAW, SUNDBERG EXPRESSED VARYING DEGREES DISCOMFORT AT SWEEPING IMPLICATIONS THIS ARTICLE WHEN COMBINED WITH BROAD COVERAGE ARTICLE 2(1). VON KYAW SUGGESTED DELETION "MOST" WOULD CURE FRG CONCERNS. BOIVINEAU AND VAN BRUSSELEN (BELG) URGED DELETION OF ENTIRE ARTICLE.

4. ARTICLE 10

VON KYAW EXPRESSED PREFERENCE FOR "MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS" FORMULATION FROM HAGUE CONVENTION ON GROUND IT BROADER AND MORE USEFUL.

5. ARTICLE 11

RAISED NO PROBLEMS.

6. ARTICLE 12

VAN BRUSSELEN SUGGESTED DISCUSSION THIS ARTICLE COMMENCE BY EXPRESSIONS OF PREFERENCE FOR ALTERNATIVE A OR ALTERNATIVE B. MISOFF INTERVENED TO STATE US BELIEVED DISPUTE SETTLEMENT ESSENTIAL, THAT US HAD CONFIDENTIAL

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POLICY PREFERENCE IN FAVOR CLAUSES PROVIDING MANDATORY REFERENCE OF DISPUTES TO ICJ, IF ICJ NOT EXPRESSLY PROVIDED OFR MISOFF SUGGESTED COMBINATION OF A AND B WITH FORMER APPLYING TO THOSE WHO OPT OUT OF LATTER. THERE SHOULD ALSO BE PROVISIONS INSURING SUCH A SCHEME IS WITHOUT PREJUDICE TO PROVISIONS CONCERNING SETTLEMENT OF DISPUTES CONTAINED IN AGREEMENTS BETWEEN STATES MIGHT BE CONSIDERED. THIS APPROACH GENERALLY REGARDED AS WORTH SERIOUS CONSIDERA-

TION. FREEAND COMMENTED PARTICULARLY FAVORABLY. AS
BETWEEN A AND B AS CURRENTLY DRAFTED FRG, AUSTRALIA,
NETHERLANDS EXPRESSED PREFERENCE FOR B. VAN BRUSSELEN
SAID EITHER OR BOTH ACCEPTABLE BUT GOB PREFERRED A.

7. ALL PRESENT AGREED ON NEED TO ATTEMPT COMMON
DRAFTING AND NEED TO DISCUSS TACTICS AT COMING GA.
GROUP AGREED MEET IN AUGUST AFTER CAPITALS HAD SEVERAL
WEEKS TO CONSIDER RESULTS OF CURRENT ROUND. BELIEVE
APPROACHES IN EUROPEAN CAPITALS BE MOST EFFECTIVE IF
UNDERTAKEN BY APPROXIMATELY AUGUST 1. TO THAT END WE
NOTE THAT AMB. SCHAUFELER WILL BE IN DENMARK, FINLAND,
NORWAY AND FRG DURING LAST WEEK IN JULY AND WLD BE
WILLING CONSULT ON SUBJECT.
BENNETT

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